



JAN 22 2002

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In re Application of  
RITTER, Klaus, et al.  
Application No.: 09/807,106  
PCT No.: PCT/AT99/00240  
Int. Filing Date: 05 October 1999  
Priority Date: 09 October 1998  
Attorney's Docket No.: 01099/TL  
For: METHOD AND PLANT FOR  
CONTINUOUSLY PRODUCING  
CONSTRUCTION ELEMENTS  
APPARATUS

DECISION ON

PAPERS

UNDER 37 CFR 1.42

This is a decision on applicants' "Response to Notification of Missing Requirements," submitted 02 August 2001. A review of the Declaration reveals an indication that the joint inventor Gerhard Ritter is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

### **BACKGROUND**

On 05 October 1999, applicants filed international application PCT/AT99/00240, which claimed a priority date of 09 October 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 April 2000. On 22 April 2000, a demand for international preliminary examination was filed with the International Bureau within nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States was 09 April 2001.

On 09 April 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 04 May 2001, USPTO mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for late filing of the oath or declaration were required.

On 06 August 2001, applicants filed "Response to Notification of Missing Requirements," accompanied by, *inter alia*, the surcharge for late filing of the oath or declaration and a declaration.

### DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

In this case, Ms. Ingrid Ritter signed the declaration as "appointed administrator for inventor Gerhard RITTER, deceased." This is acceptable. However, the declaration lists residence, postal address and citizenship for only one of them. The declaration must list the citizenship, residence and postal address for both Ms. Ritter and inventor Ritter. See 37 CFR 1.497 and 37 CFR 1.63.

### CONCLUSION

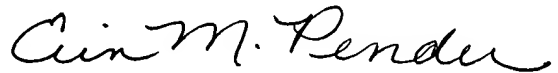
For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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